

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

JANUARY 19, 2005

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Francisco at 9:12 a.m. on Wednesday, January 19, 2005, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Joan Schneider
Randy Duncan
Janice Marcantonio
Carol Kramer
Richard Kim Francisco
William Sullivan
Paul Christiansen

APPROVE AGENDA

Motion was made by Commissioner Kramer to approve the January 19, 2005 NRC agenda. Seconded by Commissioner Sullivan. Motion carried unanimously.

AGENDA APPROVED

APPROVE MINUTES

Motion was made by Commissioner Schneider to approve the minutes of the December 9, 2004, meeting as presented. Seconded by Commissioner Kramer. Motion carried unanimously.

MINUTES APPROVED

LAND ACQUISITION

Linda Hanson, Administrator, Management Services Division, presented the following item.

Buffalo Creek, Delaware County--Zumbach

The Natural Resource Commission's approval to purchase a tract of land located in Delaware County within the Buffalo Creek Wildlife Management Area. This 80-acre tract is offered by the Earl Zumbach and Edna Zumbach Revocable Trust for the appraised price of \$68,000.

Daniel K. Kinsinger, Licensed Appraiser, Cook Appraisal, Inc. of Iowa City, Iowa submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The property is located approximately 3.5 miles west and 2 miles south of Ryan, Iowa. Access to the property is from the southern boundary that is adjacent to state-owned land. The subject property consists of 72.8 acres of cropland, 1.0 acre-waste, and 6.2 acres of land enrolled in the CRP. The entire parcel is enrolled in the Wetland Reserve Program. Acquisition of this parcel will allow the restoration of a 20-acre wetland on existing state land. After development, there will be 55 acres of native prairie, 10 acres of timber, 5 acres of marsh/wetlands, and 5 acres each of cropland and pasture.

The property has excellent management potential for waterfowl, deer, wild turkey, pheasant, non-game wildlife; and fur-bearers. The NRCS restoration plan will provide watershed protection for Buffalo Creek. No fencing or surveying costs are anticipated.

Acquisition funding will be Upper Wapsi NAWCA. Incidental closing costs are the responsibility of the Department.

Motion was made by Commissioner Sullivan to approve the purchase of an 80 acre tract of land located in Delaware County within the Buffalo Creek Wildlife Management Area from Earl Zumbach and Edna Zumbach Revocable Trust for the appraised price of \$68,000. Seconded by Commissioner Kramer. Motion carried unanimously.

LAND ACQUISITION APPROVED

Stephens State Forest, Lucas County--Butcher

The Natural Resource Commission's approval is requested to purchase a tract of land located in Lucas County adjacent to the east of Stephens State Forest. H. Wayne Butcher and Berneice Butcher offer this 87-acre tract for the appraised price of \$113,100.

Donald Kearn, Licensed Appraiser, of Atlantic, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located one mile south of the town of Lucas in central Lucas County. The upland tract reflects moderately sloping to steep topography. A majority of the tract is maturing hardwood timber, with some areas in small trees and grassland. A small creek exists on the property. There are no building improvements. State Highway 65 provides excellent access along the east.

This acquisition will increase the Lucas Unit of Stephens State Forest to 1,157 acres, and will greatly improve public access to the Unit. The Forestry Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by \$7,500 from the National Wild Turkey Federation (NWTF) and \$105,000 from the REAP Open Spaces Fund. No survey or fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Linda Hanson expressed appreciation to the National Wild Turkey Federation for its contribution of \$7,500 toward that purchase of the property. John Walkowiak, Forestry Bureau Chief, related that staff is working with DOT regarding parking access to the property.

Motion was made by Commissioner Duncan to approve the purchase of 87 acres of land located in Lucas County adjacent to the east of Stephens State Forest from H. Wayne Butcher and Berneice Butcher for the appraised price of \$113,100. Seconded by Commissioner Christiansen. Motion carried unanimously.

LAND ACQUISITION APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 94, NONRESIDENT DEER HUNTING

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve a Notice of Intended Action to amend Chapter 94 – Nonresident Deer Hunting. The amendment allows nonresidents to purchase a preference point to be used in the next year's drawing for any-deer licenses. Currently they receive preference points only if they apply for an any-deer license and are rejected. This will improve customer service and reduce DNR costs and personnel time spent in refunding fees to unsuccessful applicants.

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

Chapter 94 gives the regulations for hunting deer and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation tag requirements. This amendment will allow nonresident deer hunters to purchase a preference point for the next year's deer license without going through the drawing and being rejected.

Any interested person may make written suggestions or comments on the proposed amendments on or before January 4, 2005. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on January 4, 2005, at 10:30 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their

views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendment is proposed.

Amend paragraph 94.8(3) as follows:

94.8(3) Preference points. Each individual applicant who is unsuccessful in the drawing for an any-sex license will be assigned one preference point for each year that the individual is unsuccessful. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Preference points will apply only to obtaining any-sex licenses. Once an applicant receives an any-sex nonresident deer hunting license, all preference points will be removed until the applicant is again unsuccessful in a drawing or purchases a preference point as described in 94.8(3)a. Preference points will apply to any zone or season for which a hunter applies. The first drawing for any-sex licenses each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the any-sex license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

a. Purchasing preference points. Nonresidents that do not want to hunt in the current year may purchase one preference point per calendar year. The preference point will apply to the next year's drawing for any-sex deer licenses. The preference point will be treated in the same manner as preference points obtained by hunters that are unsuccessful in the any-sex license drawing. Nonresidents may not purchase a preference point and apply for an any-sex license in the same calendar year. Preference points may be purchased only during the application period for any-sex deer licenses. Preference points will cost \$10 to offset administrative costs plus the usual writing fee, convenience fee and other fees charged by the ELSI system.

Date

Jeffrey R. Vonk, Director

Michael Brandrup reviewed the rule changes. He introduced Terry Little, Wildlife Supervisor, who explained that legislative action limits the number of nonresident deer licenses the department can sell. He said the department is now up to the point where we are getting more than twice as many applications as we can sell of the any deer licenses. This results in a refund of over 6,000 checks a year to people who are drawn out, involving considerable expense and staff time to do that. Mr. Little commented that by letting them buy a point they can't apply that year, but they can buy a preference point which would benefit them in the future, plus it would

save the department from having to go through the effort of refunding the checks for the people who choose to do that. Mr. Little further explained that before too long hunters in many zones are going to need almost two preference points to be sure of a license now. He said this rule will allow hunters to plan their hunts better and saves the department's resources.

Mr. Little related that a copy of this rule was inadvertently sent to the Rules Review Committee, so has already been filed as a Notice of Intended Action. The Rules Committee indicated that this does not affect its validity. The public hearing was held with no comments made. Mr. Little noted that following approval of the Notice, the final rule will be taken to the February meeting to allow the rule to go into effect this spring.

Discussion followed regarding whether there are other states that limit nonresident permits. Theoretical preference point situations were discussed.

Motion was made by Commissioner Schneider to approve Notice of Intended Action, Chapter 94, Nonresident Deer Hunting. Seconded by Commissioner Sullivan. Motion carried unanimously.

NOTICE APPROVED

SPRING MUSKRAT TRAPPING

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is requested to add Black Hawk WMA (Sac County) and Rush Lake WMA (Palo Alto County) to the list of areas open to spring muskrat trapping between February 26 and April 15, 2005. Spring trapping is used to further reduce muskrat populations and prolong good habitat conditions where that is needed. The Commission has the authority under departmental rule 571—108.1(2) to determine which WMAs shall be open to spring muskrat trapping and by posting areas accordingly.

Motion was made by Commissioner Duncan to add Black Hawk WMA and Rush Lake WMA to the list of areas open to spring muskrat trapping between February 26 and April 15, 2005. Seconded by Commissioner Sullivan. Motion carried unanimously.

SPRING MUSKRAT TRAPPING APPROVED

TIMBER SALE—BIG MARSH WILDLIFE UNIT, TRAPP TRACT, BUTLER COUNTY

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Wildlife Bureau is conducting a timber sale involving approximately 50 acres involving 591 trees (65,250 board feet (Scribner)) located on the Trapp Tract of the Big Marsh Wildlife Unit.

The trees are located Sections 8 and 17, Ripley township, T91N R17W, in Butler County. Trees are marked with orange paint.

The goal of the harvest is to release and regenerate mast-producing species such as burr oak and swamp white oak. This will involve a 13-acre clearcut as well as individual tree and small group selection cuttings. The harvest will create more understory and provide growing space for young oak. Artificial regeneration (tree planting) will be used to regenerate the clearcut with burr and swamp white oak.

Site review was conducted during the Summer of 2003 and Spring of 2003 by DNR State Botanists/Biologists Mark Leoschke, Doug Janke and Bruce Erhesman. No evidence of any archeological resources noted. Because of the presence of an endangered wood turtle in the area, the recommendations of leaving a 50-foot buffer along the river, retention of ground cover, and winter logging only will be required. Logging will be conducted only when the ground is frozen to minimize the risk of soil disturbance. Post harvest will consist of clearing residual stems from groups, and general preparation for tree planting in the clearcut after harvesting is completed.

Sealed bids will be received until 1:00 p.m., Tuesday, January 18, 2005, at which time bids will be opened and the sale awarded to the highest bidder, except that the seller reserves the right to reject any or all bids. Staff recommendations on winning bid will be presented to the Commission for information on January 19, 2005.

The successful bidder must execute a timber sale contract with the State of Iowa by February 1, 2005, and make payment at that time also (which is expected to be less than \$25,000). Trees must be removed by March 1st, 2007 Liability insurance is required. Buyers must be bonded.

Mr. Brandrup reviewed that one bid was received from Charles Down of Fayette, Iowa, in the amount of \$16,417.00. Because the bid is under \$25,000.00, commission action is not required.

INFORMATION ITEM

TIMBER SALE—YELLOW RIVER STATE FOREST, LUSTER HEIGHTS UNIT, ALLAMAKEE COUNTY

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Forestry Bureau is conducting a timber sale involving approximately 25 acres involving 466 trees (77,040 board feet (Scribner)) located on the Luster Heights Unit of the Yellow River State Forest. The trees are located approximately 4 miles southwest of Harpers Ferry, Iowa, T96N R3W Sections 9 & 10 in Allamakee County. Trees are marked with blue paint.

The goal of the harvest is thin lower quality and declining oak, aspen, white ash and other species – leaving a more vigorous and higher quality forest for the future. This will be a group selection harvest in which trees are removed throughout the stand as well as in groups of one acre or less. The group cuttings will remove pockets of large red oak that is declining, and other

species with major defects. Artificial regeneration (tree planting) will be used in areas where needed.

Site review was conducted during the Spring and Summer of 2004 by DNR State Ecologist John Pearson. No evidence of endangered or threatened species was noted nor was any archeological resources noted. Logging will be conducted only when the ground is dry or frozen to minimize the risk of soil disturbance. Post harvest will consist of clearing residual stems from groups, pushing logging debris into piles and general preparation for tree planting in the Spring of 2005 or 2006 after harvesting is completed..

Sealed bids were received until 1:00 p.m., Monday, December 20, 2004, at which time bids were opened. The following is a list of the bidders and bids:

Name	Bid
Bill Jandro/Wieland & Sons Lumber, Winthrop, IA	\$51,457.00
Chris Grau/Grau Logs & Lumber, Elkader, IA	\$50,076.00
Jim West/Kendrick Forest Products, Edgewood, IA	\$46,592.00
James Sheehan/Sheehan Logging, Inc., Caledonia, MN	\$37,001.00
Steven Nelson/Nelson Hardwood Lumber, Prairie du Chien, WI	\$33,666.00
Ed Bruggeman, SITCO, Inc., Dubuque, IA	\$32,201.00
Lyle Bunston/Meister Log & Lumber, Reedsburg, WI	\$32,029.00
James Troendle, Dorchester, IA	\$30,100.00

Staff recommends accepting the high bid from Bill Jandro/Wieland & Sons Lumber of \$51,457.00. Jandro/Wieland & Sons Lumber must execute a timber sale contract with the State of Iowa by January 20, 2005, and make payment at that time also. Trees must be removed by March 31st, 2006. Liability insurance is required. Buyers must be bonded.

Motion was made by Commissioner Sullivan to accept the high bid of Bill Jandro/Wieland & Sons Lumber, Winthrop, Iowa, in the amount of \$51,457.00 for the timber sale at Yellow River State Forest, Luster Heights Unit. Seconded by Commissioner Kramer. Motion carried unanimously.

TIMBER SALE APPROVED

GENERAL DISCUSSION

Commissioner Francisco commented that he used the internet system when he renewed his hunting license. He reported it worked very well and recommends using that system. .

NEXT MEETING DATES

The next meeting will be held February 10, 2005 in Des Moines.

ADJOURNMENT

Motion was made by Commissioner Duncan to adjourn the January 19, 2005 NRC meeting. Seconded by Commissioner Kramer. Meeting adjourned at 9:35 a.m..

Jeffrey R. Vonk, Director

Richard Kim Francisco, Chairperson

Joan Schneider, Secretary

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